



CONGRESS OF THE UNITED STATES

January 11, 2005

Mr. Carl J. Truscott
Director
Bureau of Alcohol, Tobacco, Firearms and Explosives
650 Massachusetts Avenue, NW.
Washington, DC 20226

Dear Carl:

I am very concerned about the issue described in the enclosed article by the *Connecticut Post* which was brought to my attention by Sergeant Leonard Scinto of the Trumbull Police Department in Trumbull, Connecticut. The article describes a handgun and ammunition discovered by the police force that, when field tested, was capable of piercing the Kevlar vests that protect our law enforcement officers.

In October, officers from Trumbull's police department confiscated a new FN Herstal 5.7x28mm handgun, loaded with hollow-point ammunition from a drunk driving suspect. According to police, both the gun and ammunition were purchased at a local gun shop. The police force tested the 5.7x28mm ammunition against their Kevlar vests at a testing range and found that it pierced the front of the vest and lodged in its back. I am particularly concerned because, despite Congress' clear intent to prohibit the manufacture of armor-piercing handgun ammunition, this particular ammunition may exploit a loophole in the current definition of armor-piercing ammunition contained in 18 USC 921(a)(17)(B).

According to one ammunition manual, the 5.7x28mm has a synthetic core and steel jacket and therefore may not qualify as armor-piercing under 18 USC 921(a)(17)(B)(i). Moreover, since 5.7x28mm is equivalent to .220 in diameter, the round may also escape the 18 USC 921(a)(17)(B)(ii) definition because it is not "larger than .22 caliber."

Congressman
Christopher Shays
Fourth District Connecticut

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Because of the very serious threat that armor-piercing handgun ammunition poses to our police officers, I would appreciate your prompt response as to whether ATF considers the 5.7x28mm round, as was discovered by the Trumbull Police, as being covered under the current ban on armor-piercing ammunition. If this ammunition is covered by the current ban, I would encourage the ATF to promptly investigate the prevalence of this ammunition being manufactured and sold in the United States. If it is not covered by the current ban, I would appreciate your office providing a detailed explanation as to why. I am also interested to know what steps ATF will consider taking to protect police officers and the general public from this dangerous ammunition.

I appreciate any information you can provide. Should you have any questions, please do not hesitate to contact me or Jordan Press of my staff at 202/225-5541.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Stays", written over a horizontal line.

Christopher Stays
Member of Congress

CS:jp